

# Court of Appeals, State of Michigan

## ORDER

Kelly Sue Symons v Dr. Robert J. Prodingner

Docket No. 269663

LC No. 04-000769-NH

Jane E. Markey  
Presiding Judge

Henry William Saad

Kurtis T. Wilder  
Judges

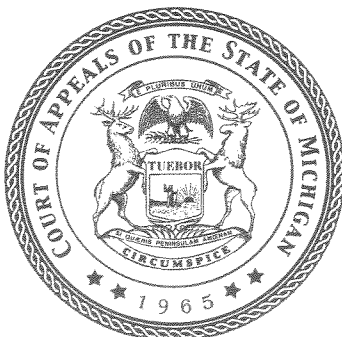
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Upon notification of a pending bankruptcy proceeding that deprives this Court of the authority to continue its review of this case with respect to defendant-appellee Battle Creek Emergency Room Physicians P.C. ("BCEP"), 11 USC 362, the Court orders this case CLOSED as to defendant BCEP. This case shall proceed with respect to all other parties. Partial closure is ordered without prejudice. It may be reopened as to BCEP upon written notification to this Court that the bankruptcy stay has been lifted, the bankruptcy proceedings have been dismissed, or a party to the case has obtained relief from the stay.

If the case is reopened as to BCEP, it will proceed as mandated by the court rules. Supplemental briefing may be allowed only upon motion and order of the Court.

On the Court's own motion, we hereby RECONSIDER and REVERSE our order of September 7, 2007 denying defendants' emergency motion for stay of execution without bond. Defendants' motion is GRANTED and execution of the judgment without bond as to defendants Dr. Robert J. Prodingner and Dale Russell, P.A., is hereby STAYED until further order of the Court.

Markey, P.J., would close this case as to all parties until such time as the bankruptcy proceedings are resolved. She also opposes the majority's decision to sua sponte reconsider the Court's order denying defendants' motion for stay of execution.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

SEP 19 2007

Date

*Sandra Schultz Mengel*  
Chief Clerk